

Keith Morris and Fritz Walker: Pa. gun background check system in jeopardy

Why PA should keep its gun background check system

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On April 11, 2015, Dylann Roof filled out a background check application at Shooter's Choice gun store in Columbia, S.C. Usually the National Instant Criminal Background Check System known as NICS takes only a few minutes, but in this case the FBI did not give the store authorization to proceed with the sale. The system indicated a potentially disqualifying arrest record that would require further investigation.

As it turned out, Roof should not have been able to buy a gun. But by the time the FBI was able to make that determination, the NICS three-business-day limit for denying the sale had expired. Shooter's Choice proceeded with the sale of the Glock semi-automatic pistol.

On June 17, Roof, was welcomed as a first-time guest to a Bible study at historic Emmanuel AME Church in Charleston. After participating for an hour, authorities said Roof suddenly pulled out his gun and shouted, "I have to do it. You rape our women and you're taking over our country. And you have to go." Nine African-American congregants, including 87-year-old Suzie Jackson, were dead.

If Roof had tried to purchase his gun from a Pennsylvania dealer, the sale would have been blocked. The reason? The Pennsylvania Instant Check System (PICS).

But spurred on by the gun lobby, PICS is under attack in Harrisburg, in the form of House Bill 921, which is in the House Judiciary Committee. This dangerous legislation would eliminate this system that is so critical to safeguarding you and your families.

Under PICS, the small percentage of background checks that raise a cautionary flag are immediately referred to the PICS Challenge Unit, which has a far more reasonable 15-day period to investigate the situation. But don't be fooled by propaganda that suggests most gun sales have a long waiting period.

According to state police testimony before the House Democratic Policy Committee in May, the average wait time in the system is only 45 seconds in the majority of cases where the automated system handles the request, and less than 12 minutes when the system requires a hands-on check by PICS personnel. In a 2012 survey, over two-thirds of gun dealers indicated they wait less than four minutes for a PICS inquiry, and 96 percent of these dealers indicated they are satisfied with PICS. The system also has impressive operational efficiency. In 2014, PICS experienced a mere 0.44 percent of down time.

While NICS has been improved in recent years, and now includes searches of certain disqualifying records from many states, including Pennsylvania, the PICS system is still significantly more comprehensive in identifying records of dangerous criminals, domestic abusers covered by protection from abuse orders, and violent juvenile offenders who are prohibited from purchasing firearms.

It is a common complaint of the gun lobby that we need to enforce the laws we already have. Armed with PICS, the Pennsylvania State Police are working diligently to do just that. Since late 2013, the state police have committed to try to investigate all failed background checks. The effort has yielded impressive results. The numbers of investigations, arrests and convictions have climbed dramatically every year since. In 2015, PICS was instrumental in some 2,312 arrests and 1,019 convictions. In addition, 153 fugitives with open arrest warrants were apprehended as a result of a PICS search by a seller.

Our state police and the Pennsylvania Chiefs of Police Association both strongly support PICS, and oppose HB 921. They know the lifesaving value of Pennsylvania's system. This is not a matter of Second Amendment rights. The late conservative Supreme Court Justice Antonin Scalia, in his 2008 Heller opinion, made clear that "longstanding prohibitions on the possession of firearms by felons and the mentally ill" do not infringe on the Second Amendment.

Every day, members of the Allentown Police Department respond to dangerous situations to protect the public. PICS makes it more likely that at the end of their shift, these women and men will return safely to their families.

Make no mistake, HB 921 has powerful proponents and represents a serious threat to PICS. We urge you to do something about this. Take a moment to call your state legislators. Tell them to protect public safety, stand with law enforcement, and maintain our Pennsylvania Instant Check System.

Keith Morris is Allentown police chief. Fritz Walker, who lives in South Whitehall Township, is a member of the board of directors of CeaseFirePA.

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